

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Daniel G. Chain

Application No.: 10/084,380

Confirmation No.: 3496

Filed: February 28, 2002

Art Unit: 1649

For: **SPECIFIC ANTIBODIES TO AMYLOID  
BETA PEPTIDE, PHARMACEUTICAL  
COMPOSITIONS AND METHODS OF USE  
THEREOF**

Examiner: G. S. Emch

**DECLARATION OF DANIEL G. CHAIN UNDER 37 C.F.R. §1.132**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

Dear Madam:

Daniel G. Chain declares and states as follows:

1. I am a citizen of the United Kingdom, more than twenty-one years of age, and make this Declaration in support of this application.
2. I am the inventor of the application and the Chairman and Chief Executive Officer of Intellect Neurosciences, Inc., the assignee of the application ("Intellect").
3. Intellect has entered into two license agreements and one option agreement with major pharmaceutical companies in connection with the respective use of free-end specific antibodies for treating Alzheimer's disease.
4. Wyeth and Elan have taken a license under the subject application and any

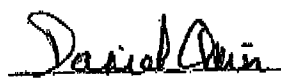
patent that matures from it, to develop and market the free-end specific antibodies to amyloid  $\beta$  for the treatment of Alzheimer's disease, including bapineuzumab, the humanized version of antibody 3D6 that is disclosed in Audia et al., U.S. Patent No. 5,965,614, which is specific for the free N-terminus of amyloid  $\beta$ . A copy of Intellect's Form 8-K reporting the agreement with Wyeth-Elan that was filed with the Securities and Exchange Commission (SEC) on May 14, 2008 is attached as Exhibit A.

5. A second major pharmaceutical company has taken a license under the subject application and any patent that matures from the application, to develop and market free-end specific antibodies to amyloid  $\beta$  for the treatment of Alzheimer's disease. A copy of Intellect's Form 8-K filed with the SEC on December 19, 2008 reporting the agreement is attached as Exhibit B. Under the terms of the license agreement the identity of this company is to be kept confidential.

6. Glaxo Group Limited ("GSK") has taken an option under the subject application and any patent that matures from the application, to develop and market antibodies to amyloid  $\beta$  for the treatment of Alzheimer's disease. A copy of Intellect's Form 8-K filed with the SEC on December 19, 2008 reporting the option agreement with GSK is attached as Exhibit C.

7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Declarant's signature:

  
Daniel Chain

July 23, 2009  
Date

**Exhibit A**

**Form 8-K May 14, 2008**

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SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

**FORM 8-K**

**CURRENT REPORT**  
**Pursuant to Section 13 or 15(d)**  
**of the Securities Exchange Act of 1934**

Date of Report (Date of earliest event reported): **May 14, 2008**

**Intellect Neurosciences, Inc.**  
(Exact Name Of Registrant As Specified In Its Charter)

Delaware  
(State or Other Jurisdiction of Incorporation)

333-128226  
(Commission File Number)

20-2777006  
(I.R.S. Employer Identification No.)

7 West 18th Street, New York, NY  
(Address of Principal Executive Offices)

10011  
(Zip Code)

(212) 448-9300  
(Registrant's Telephone Number, Including Area Code)

(Former Name or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 1.01 Entry into a Material Definitive Agreement**License Agreement

On May 14, 2008, INTELLECT NEUROSCIENCES, INC. (OTCBB: ILNS) ("Intellect") entered into a License Agreement (the "Agreement") by and among Intellect and AHP MANUFACTURING BV, acting through its Wyeth Medica Ireland Branch, ("Wyeth") and ELAN PHARMA INTERNATIONAL LIMITED ("Elan") to provide Wyeth and Elan (the "Licensees") with certain license rights under certain of Intellect's patents and patent applications (the "Licensed Patents") relating to certain antibodies that may serve as potential therapeutic products for the treatment for Alzheimer's Disease (the "Licensed Products") and for the research, development, manufacture and commercialization of Licensed Products.

Pursuant to the Agreement, Intellect grants the Licensees (i) a co-exclusive license (co-exclusive as to each Licensee) under the Licensed Patents to research, develop, manufacture and commercialize Licensed Products comprising any polypeptide sharing substantial similarity with bapineuzumab and any other polypeptide comprising sequences substantially identical to the complementarity determining region of the 3D6 immunoglobulin (a) light chain variable region and/or (b) the heavy chain variable region ("Bapineuzumab Products") in the Field in the Territory (as such terms are defined in the Agreement) and (ii) a non-exclusive license under the Licensed Patents to research, develop, manufacture and commercialize Licensed Products (other than Bapineuzumab Products) in the Field in the Territory.

In consideration of the licenses, the Licensees collectively have agreed to pay Intellect one million dollars (\$1,000,000) within thirty (30) days after the effective date of the Agreement. In addition, upon the grant of a Licensed Patent with at least one Valid Claim (as defined in the Agreement) that covers (a) the pharmaceutical composition of bapineuzumab, (b) the method of manufacture for bapineuzumab or (c) the use of bapineuzumab for the treatment of AD or Mild Cognitive Impairment (as such terms are defined in the Agreement), Intellect will receive additional milestone payments from the Licensees, specifically, a payment of two million dollars (\$2,000,000) within thirty (30) days of such a grant in the United States and a payment of one million dollars (\$1,000,000) within thirty (30) days of such a grant by the European Patent Office.

The Agreement also provides that Intellect will be eligible to receive certain milestone and royalty payments from the Licensees in connection with sales of Licensed Products. The term during which such royalties would be payable is determined based on a country-by-country and Licensed Product-by-Licensed Product basis, for the period beginning upon the First Commercial Sale of a Licensed Product in a country and ending on the first date that such Licensed Product ceases to be covered by a Valid Claim issued in such country (as such terms are defined in the Agreement).

**Item 8.01. Other Events.**

On May 19, 2008, Intellect issued a press release in connection with the Agreement described in Item 1.01 above, announcing that it had entered into a License Agreement with the Licensees and that the License Agreement provides for certain license rights under certain of Intellect's patents and patent applications relating to the Licensed Products and for the research, development, manufacture and commercialization of the Licensed Products. The foregoing description of the License Agreement does not purport to be complete and is qualified in its entirety by reference to Item 1.01. A copy of the press release is attached hereto as Exhibit 99.1 and is incorporated herein in its entirety by reference.

**Item 9.01 Financial Statements and Exhibits.****(d) Exhibit.**

The following exhibit is furnished as part of this Report on Form 8-K:

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<u>Exhibit</u>	<u>Description</u>
99.1	Press release dated May 19, 2008.

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### SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, this report has been signed below by the following persons on behalf of the registrant and in the capacities and on the dates indicated.

INTELLECT NEUROSCIENCES, INC.

Date: May 19, 2008

By: /s/ Elliot Maza

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Name: Elliot Maza  
Title: President and CFO

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**Exhibit B**

**Form 8-K April 29, 2009**



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**SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

**FORM 8-K**

**CURRENT REPORT**  
**Pursuant to Section 13 or 15(d)**  
**of the Securities Exchange Act of 1934**

Date of Report (Date of earliest event reported): **April 29, 2009**

**Intellect Neurosciences, Inc.**  
(Exact Name Of Registrant As Specified In Its Charter)

Delaware  
(State or Other Jurisdiction of Incorporation)

333-128226  
(Commission File Number)

20-2777006  
(I.R.S. Employer Identification No.)

7 West 18th Street, New York, NY  
(Address of Principal Executive Offices)

10011  
(Zip Code)

(212) 448-9300  
(Registrant's Telephone Number, Including Area Code)

(Former Name or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 1.01 Entry into a Material Definitive Agreement****Option Agreement**

On April 29, 2009, INTELLECT NEUROSCIENCES, INC. (OTC: ILNS) ("Intellect") entered into an Option Agreement (the "Agreement") by and between Intellect and GLAXO GROUP LIMITED (NYSE: GSK) ("GSK") regarding an option to purchase a license under certain of Intellect's patents and patent applications (the "Subject Patents") related to antibodies and methods of treatment for Alzheimer's disease.

Pursuant to the Agreement, Intellect granted GSK an irrevocable option (the "Option") to acquire a non-exclusive, royalty bearing license under the Subject Patents with the right to grant sublicenses, to develop, have developed, make, have made, use, offer to sell, sell, import and have imported Licensed Products in the Territory in the Field (as such terms are defined in the Agreement).

Upon exercise of the Option, GSK will pay Intellect two million dollars (\$2,000,000). In addition, upon the later of the (1) exercise of the Option, and (2) grant in the United States of a Licensed Patent with at least one Valid Claim that covers a Licensed Product incorporating a GSK Compound in the Territory in the Field (as such terms are defined in the Agreement), GSK will pay Intellect an additional two million U.S. dollars (U.S. \$2,000,000). An additional milestone payment shall be made to Intellect should GSK achieve certain thresholds for aggregate annual Net Sales for any Licensed Product in countries in which there are then existing one or more Valid Claims covering the Licensed Product.

The Agreement provides that Intellect will be eligible to receive certain royalty payments from GSK in connection with Net Sales of Licensed Products by GSK, its affiliates and its permitted sublicensees. The term during which such royalties would be payable begins upon launch of a Licensed Product in a country (or upon issuance of a Valid Claim, whichever is later) and ending upon the date on which such Licensed Product is no longer covered by a Valid Claim in such country (as such terms are defined in the Agreement).

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**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, this report has been signed below by the following persons on behalf of the registrant and in the capacities and on the dates indicated.

INTELLECT NEUROSCIENCES, INC.

Date: May 1, 2009

By: /s/ Elliot Maza

Name: Elliot Maza

Title: President and CFO

**Exhibit C**

**Form 8-K December 19, 2008**

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**SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

**FORM 8-K**

**CURRENT REPORT**  
**Pursuant to Section 13 or 15(d)**  
**of the Securities Exchange Act of 1934**

Date of Report (Date of earliest event reported): December 19, 2008

**Intellect Neurosciences, Inc.**  
(Exact Name Of Registrant As Specified In Its Charter)

Delaware  
(State or Other Jurisdiction of Incorporation)

333-128226  
(Commission File Number)

20-2777006  
(I.R.S. Employer Identification No.)

7 West 18th Street, New York, NY  
(Address of Principal Executive Offices)

10011  
(Zip Code)

(212) 448-9300  
(Registrant's Telephone Number, Including Area Code)

(Former Name or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 8.01. Other Events.**

On October 7, 2008, Intellect Neurosciences, Inc. (the "Company") filed a Form 8K with the SEC to disclose that the Company had entered into an Option Agreement (the "Agreement") by and among the Company and a top-tier global pharmaceutical company ("Option Holder") regarding an option to purchase a license under certain of the Company's patents and patent applications (the "Subject Patents") related to antibodies and methods of treatment for Alzheimer's disease and to make, have made, use, sell, offer to sell and import certain Licensed Products, as defined in the Agreement.

Pursuant to the Agreement, the Company grants the Option Holder an irrevocable option to acquire a non-exclusive, royalty bearing license under the Subject Patents with the right to grant sublicenses, to develop, have developed, make, have made, use, offer to sell, sell, import and have imported Licensed Products in the Territory in the Field (the "Option").

Effective as of December 19, 2008, the Option Holder became the Licensee of the Subject Patents by paying the Exercise Fee described in the Agreement as adjusted by subsequent discussions between the parties to the Agreement.

On January 7, 2009, the Company issued a press release to announce that the Option Holder had exercised its option to acquire a license to the Subject Patents. A copy of the press release is attached hereto as Exhibit 99.1 and is incorporated herein in its entirety by reference.

**Item 9.01 Financial Statements and Exhibits.****(d) Exhibits.**

The following exhibit is furnished as part of this Report on Form 8-K:

<u>Exhibit</u>	<u>Description</u>
99.1	Press release dated January 7, 2009

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**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, this report has been signed below by the following persons on behalf of the registrant and in the capacities and on the dates indicated.

INTELLECT NEUROSCIENCES, INC.

Date: January 8, 2009

By: /s/ Elliot Maza

Name: Elliot Maza

Title: President and CFO